

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

GINA O.,

Plaintiff,

v.

CIVIL NO. 2:20-CV-596

KILOLO KIJAKAZI,

*Acting Commissioner of
Social Security Administration,*

Defendant.

FINAL ORDER

Gina O.¹ (“Plaintiff”) brought this action under Section 405(g) of the Social Security Act (“SSA”), 42 U.S.C. § 405(g), seeking judicial review of the decision of the defendant, Kilolo Kijakazi,² Acting Commissioner of the Social Security Administration (“Commissioner”), which denied Plaintiff’s claim for Disability Insurance Benefits (“DIB”). ECF No. 1. Both parties moved for summary judgment. ECF Nos. 14, 16.

The matter was referred to a United States Magistrate Judge for a report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure as well as Rule 72 of the Local Rules of this Court. The Report and Recommendation of the Magistrate Judge was filed on December 9, 2021, which recommends that the Court grant the Commissioner’s Motion for Summary Judgment (ECF No.

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² Kilolo Kijakazi is the Acting Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). See also section 205(g) of the Social Security Act, 42 U.S.C § 405(g) (action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

16) and deny Plaintiff's Motion for Summary Judgment (ECF No. 14). ECF No. 19 at 1, 20. On December 23, 2021, Plaintiff filed one objection to the Report and Recommendation. ECF No. 20. On January 6, 2022, the Commissioner responded to Plaintiff's objection. ECF No. 21.

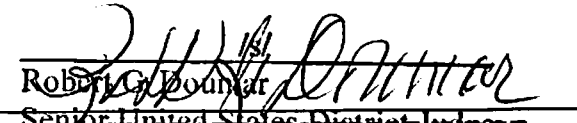
After the Magistrate Judge issues a report and recommendation, the district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which [proper] objection is made." 28 U.S.C. § 636(b)(1); see Fed R. Civ. P. 72(b)(3). However, "[a] mere restatement of the arguments raised in the summary judgment filings does not constitute an objection for the purposes of the district court review." Nichols v. Colvin, 100 F. Supp. 3d 487, 497 (E.D. Va. 2015); see also Hartfield v. Colvin, No. 2:16-CV-431, 2017 WL 4269969, at *7 (E.D. Va. Sept. 26, 2017) ("The Court may reject perfunctory or rehashed objections . . . that amount to 'a second opportunity to present the arguments already considered by the Magistrate Judge.'") (internal citation omitted). In her objection, Plaintiff merely rehashes the arguments that she made in her summary judgment filings, which Magistrate Judge Miller already thoroughly considered in the Report and Recommendation. See ECF No. 19 at 16–17. Because Plaintiff did not make a proper objection, this Court need only review the Report and Recommendation for clear error. See Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Finding no clear error in the Report and Recommendation filed on December 9, 2021, this Court hereby **ADOPTS** the findings and recommendations of the Magistrate Judge. ECF No. 19. Accordingly, the Court **GRANTS** Commissioner's Motion for Summary Judgment, ECF No. 16, **DENIES** Plaintiff's Motion for Summary Judgment, ECF No. 14, and **UPHOLDS** the final decision of the Commissioner.

Plaintiff is advised that she may appeal this Order by forwarding, within sixty (60) days from the date of this Order, a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk is **DIRECTED** to forward a copy of this Final Order to all Counsel of Record.

IT IS SO ORDERED.


Robert G. Zoungar
Senior United States District Judge
UNITED STATES DISTRICT JUDGE

Norfolk, VA
January 10, 2022